

REMARKS/ARGUMENTS

In the Office Action, Claims 96 and 97 were objected to because of an informality. Additionally, Claims 79-82 and 84-102 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,959,627 to *Duwaer* et al. (hereinafter "*Duwaer*").

Note, that no Claim 83 was previously presented, Applicant has listed Claim 83 as "not entered" to reduce confusion over the numbering of the claims. Claims previously numbered 84-102 have been preserved in their previous order.

Claims 96 and 97 have been amended to clear up the informality of depending from not entered Claim 83. Reconsideration of this Application is respectfully requested in view of the attached claim amendments and the following remarks.

Applicants have explicitly incorporated specification language and a drawing from U.S. Patent Application 09/549,986, now U.S. Patent 6,760,721, which was previously incorporated by reference.

Applicants graciously acknowledge that the previous rejections under 35 U.S.C. §112, second paragraph for Claims 79-97, 99-102 as being indefinite have not been maintained in the Office Action.

Claim Rejections

35 U.S.C. §102 Rejections

In the Office Action, Claims 79-82 and 84-102 were rejected under 35 U.S.C. §102(e) as being anticipated by *Duwaer*. Applicants respectfully submit that Claims 79-82, 84-102 are patentable over *Duwaer*.

Claims 79 and 92

Duwaer teaches a method for compiling audio/video items onto a recordable medium. However, *Duwaer* does not teach or suggest listing a plurality of track names in rows corresponding with a plurality of columns for album names, artist names and/or genre names. In contrast, Claim 79, as amended, reads as follows:

79. (Previously Presented) A method for managing metadata of content files using an electronic device, the method comprising:

- obtaining from a persistent metadata database, metadata for the content files;
- displaying on a display of the electronic device, a first column having a **plurality of rows for track names corresponding to a plurality of content files**; and
- displaying on a display of the electronic device, at least one of:
 - a second column having a plurality of **rows for artist names corresponding to the plurality of rows for track names**,
 - a third column having a plurality of **rows for album names corresponding to the plurality of rows for track names**, and
 - a fourth column having a plurality of **rows for genre names corresponding to the plurality of rows for track names**. **(emphasis added)**

As asserted in the previous Office Action dated December 1, 2005, Figure 5 of *Duwaer* is characterized as teaching “a column having 3 rows of artists names ... or album names ... corresponding to the 3 rows of track names.” As the reasonable interpretation of *Duwaer*’s Figure 5 is that it has a single column, as asserted in the Office Action of December 1, 2005, it hardly appears reasonable that the same figure would also teach multiple columns as asserted in the current Office Action. Applicant respectfully submits that the Examiner has not established a *prima facie* case of anticipation. To establish a *prima facie* case of anticipation, the Examiner is obligated to identify where “each and every facet of the claimed invention is disclosed in the applied reference.” *Ex parte Levy*, 17 U.S.P.2d 1461, 1462 (Bd. Pat. App. & Intef. 1990). Furthermore, anticipation requires that each and every claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). The Office Action fails to show multiple columns taught by *Duwaer*, and therefore fails to present a *prima facie* case of anticipation.

Duwaer fails to teach listing a plurality of track names in rows corresponding with a plurality of columns for album names, artist names and/or genre names. Figure 5 of *Duwaer* merely teaches an interface for locating a song to add to a compilation. There is no row and column correspondence between the displays of tracks in *Duwaer* and the artist names, album names and/or genre names displayed

by *Duwaer*. Even the single column shown in element 72 of *Duwaer*'s Figure 5 merely teaches a single column, with no correspondence to artist names, album names and/or genre names. In fact *Duwaer* has no teaching of genres listed in the single column ("field 72") of Figure 5. As can be seen more clearly in the substitute drawing of Figure 1a, and the explicitly incorporated paragraphs added herein, *Duwaer* does not teach true columns and rows that one would find in a table as shown in Figure 1a. In fact, at no point does *Duwaer* teach multiple columns of any kind, except as separate fields with no correspondence. The assertion that including multiple items in a row is equivalent to teaching columns is clearly erroneous as it applies to *Duwaer*.

Likewise, Figure 6, which is used for playback, merely has a single column that list tracks and no separate artist, albums and/or genre. Accordingly, it is abundantly clear that Claim 79 is not anticipated by *Duwaer*. Thus, Applicants submit that Claims 79, and all the claims dependent therefrom (Claims 80-82 and 84-96) are clearly allowable.

Claim 97 recites elements similar to those recited in Claim 79, and is not anticipated by *Duwaer* for similar reasons to those recited above with regard to Claim 79. Thus, applicants submit that Claims 97, and all the claims dependent therefrom (Claims 98-102) are clearly allowable.

Claims 80-82, 84-96 and 98-102

Claims 80-82, 84-96 and 98-102 depend from allowable independent claims and are therefore allowable for the same reasons already noted above. Claims 80-82, 84-96 and 98-102 are also allowable for additional reasons. These claims include further recitations not taught, disclosed, or even suggested by *Duwaer*. A nonexclusive listing of some additional reasons Claims 80-82, 84-96 and 98-102 are allowable are included below.

For example:

Claim 82 recites a "object-oriented database." Applicants were unable to find any teaching within *Duwaer*, let alone the cited section, of any "object-oriented database." Accordingly, as *Duwaer* fails to teach a object-oriented database, it is

clear that *Duwaer* does not anticipate Claim 84. For this reason, in addition to those already noted above, Claim 84 is in condition for allowance.

Claim 88 recites a “saving a blank as a named entry.” Applicants were unable to find any teaching within *Duwaer*, let alone the cited section, of any “saving a blank as a named entry.” The assertion that leaving an entry blank when searching for a track (as tough in *Duwaer* at column 3, lines 10-25) is equivalent to saving a blank entry in a field of a database is erroneous. Accordingly, as *Duwaer* fails to teach a saving a blank element in a row as a named entry, it is clear that *Duwaer* does not anticipate Claim 87. For this reason, in addition to those already noted above, Claim 87 is in condition for allowance.

With regard to Claims 91-92, nothing in *Duwaer* is actually cited in the Office Action as anticipating either Claim 91 or 92. With regard to Claim 91, *Duwaer* fails to teach propagating changes to metadata across rows in *Duwaer*; it is clear that *Duwaer* does not anticipate Claim 91. Figure 3 of *Duwaer* merely teaches entering information for a single track. Accordingly, as multiple rows corresponding to multiple tracks, it need hardly be noted that *Duwaer* fails to teach propagating changes across multiple rows.

Likewise, *Duwaer* fails to teach “receiving a selection of one of the displayed track names, and in response to receiving the selection, rendering the content of the content file corresponding to the selected displayed track name.” For these reasons, in addition to those already noted above, Claims 91-92 are in condition for allowance.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that Claims 79-82, 84-102 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,
AXIOS LAW GROUP

Date: January 8, 2007

by: /Adam L.K. Philipp/

Adam L.K. Philipp
Reg. No.: 42,071

AXIOS Law Group
1725 Westlake Avenue N
Suite 150
Seattle, WA 98109
Telephone: 206-217-2200